



RECEIVED  
CENTRAL FAX CENTER  
JAN 27 2009

## FAX COVER PAGE

DATE: January 27, 2009

PAGES INCLUDING THIS PAGE: 3

TO: Examiner Pedro Philogene, Group Art Unit 3733  
COMPANY: U.S. Patent and Trademark Office

FAX NUMBER: 571-273-8300  
PHONE NUMBER:

FROM: Brad A. Schepers

DIRECT DIAL: (317) 238-6334  
FAX NUMBER: (317) 636-1507

RE: Submission of Power of Attorney/3.73(b) for U.S. Patent Application No. 10/698,702 to Charles L.  
Branch et al.

COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and  
Trademark Office at 571-273-8300 on:

January 27, 2009  
(Date of Transmission)

Brad A. Schepers  
Name of Registered Representative

Signature

Hard copy will be sent via:  Regular Mail  Overnight Courier  Fax Communication Only

Name of Sender: Cheryl Kalugyer

Client Matter No.: 334 MSDI-186

### WARNING CONFIDENTIALITY NOTICE

The documents constituting this fax transmittal contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual(s) or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance upon the content of this fax transmittal is strictly prohibited. If you have received this fax transmittal in error, please immediately notify us by telephone at the number below to arrange for return of the original documents to us. Thank you.

For Questions or Problems in Transmission, Please Contact our Fax Operators

KRIEG DEVAULT LLP

ONE INDIANA SQUARE

SUITE 2800

INDIANAPOLIS, IN 46204

TELEPHONE-(317) 636-

4341

FAX-(317) 636-1507

KRIEG DEVAULT LLP

12800 N MERIDIAN STREET

SUITE 300

CARMEL, IN 46032

TELEPHONE-(317) 566-

1110

FAX-(317) 636-1507

KRIEG DEVAULT GALVIN

LLP

5231 HOHMAN STREET

HAMMOND, IN 46320

TELEPHONE-(219) 933-

0380 FAX-(219) 933-0471

KRIEG DEVAULT LUNDY

LLP

825 ANTHONY WAYNE

BUILDING

203 EAST BERRY STREET

FT. WAYNE, IN 46802

TELEPHONE-(260) 422-

1534

FAX-(260) 423-1590

KD\_IM-1778309\_1.DOC

**RECEIVED  
CENTRAL FAX CENTER**

**JAN 27 2009**

PTO/SB/96 (09-04)

Approved for use through 07/31/2006, OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Warsaw Orthopedic, Inc.

Application No./Patent No.: 10/698,702 Filed/Issue Date: October 31, 2003

Entitled: INTERBODY FUSION GRAFTS AND INSTRUMENTATION

Warsaw Orthopedic, Inc., a Indiana Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR  
B  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Charles L. Branch et al. To: SDGI Holdings, Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 014665, Frame 0545, or for which a copy thereof is attached.
2. From: SDGI Holdings, Inc. To: Warsaw Orthopedic, Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 022005, Frame 0660, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature

Brad A. Schepers

Printed or Typed Name

January 27, 2009

Date

317-636-4341

Telephone Number

Attorney (Registration No. 45,431)

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**RECEIVED  
CENTRAL FAX CENTER  
JAN 27 2009**

PTO/SB/80 (01-06)

Approved for use through 12/31/2008. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO**

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

Practitioners associated with the Customer Number:

52,196

OR

Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

The address associated with Customer Number:

52,196

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Email		

Assignee Name and Address:

Warsaw Orthopedic Inc.  
2500 Silveus Crossing  
Warsaw, Indiana 46581

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

**SIGNATURE of Assignee of Record**

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature	<i>Noreen C. Johnson</i>	Date	7/20/06
Name	Noreen C. Johnson	Telephone	800-348-5212
Title	Vice President		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.